HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No.28638 of 1995

Between:

M. Prakash Suresh

… Petitioner

And

The A.P.S.E.B. rep., by its
Chairman, Vidyuth Soudha,
Hyderabad and another

… Respondents

:: ORDER::

Counsel for Petitioner: None

Counsel for the Respondents: Shri Samineni Kishore

March 28, 2007

This is a petition for quashing Memo No.DP/DM-V/556-R1/93-1, dated 22-4-1993 vide which Member Secretary, Andhra Pradesh State Electricity Board placed the petitioner under suspension. The other prayer made in the writ petition is to direct the respondents to reinstate the petitioner with all consequential benefits.

Although no one has appeared for the petitioner, I do not consider it proper to defer the disposal of the writ petition because the same is pending for last more than eleven years.

A perusal of the record of the case shows that while issuing notice of the writ petition and WPMP No.35358 of 1995, the learned Single Judge passed interim order for reinstatement of the petitioner. Unfortunately for the petitioner and fortunately for the system, WVMP No.484 of 1996 filed by the respondents was allowed on 9-4-1996 and the interim order was vacated subject to the condition that the petitioner shall be paid subsistence allowance.

At the hearing, Shri Samineni Kishore, learned counsel for the respondents made a statement that the petitioner was reinstated vide proceedings dated 18-12-1997 issued by Member Secretary of the Board pursuant to the interim order passed by the Court.

On being asked by the Court, Shri Samineni Kishore produced the file containing Memo dated 18-12-1997, a perusal of which shows that the petitioner was reinstated by the Member Secretary of the Board without reference to the interim order passed by this Court. This clearly belies the statement of the learned counsel that the petitioner was reinstated pursuant to interim order passed by the Court. Even otherwise, it is beyond the comprehension of any person of reasonable prudence how the petitioner could be reinstated pursuant to interim order of the Court, which stood vacated on 9-4-1996.

I hope and trust that the learned counsel would not make oral statement which may tantamount to misleading the Court.

Be that as it may, as the petitioner has already been reinstated, the prayer made by him for issue of a direction to the respondents to reinstate him has become infructuous and the writ petition is liable to be disposed of as such. Ordered accordingly.

While disposing of the writ petition in the manner indicated above, I deem it proper to suo motu take cognizance of the fact that the petitioner was reinstated vide Memo dated 18-12-1997 despite the fact that he was facing prosecution on the charge of corruption. The Registry is directed to register a petition in public interest and place the same before the Division Bench to examine the legality, propriety and justification of the reinstatement of the petitioner who, as mentioned above, was accused of corruption.

G.S. SINGHVI, CJ

March 28, 2007
svs